



City of Seattle

Greg Nickels, Mayor
Department of Planning and Development
Diane Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2401847

Applicant Name: David McDaniel, David McDaniel Architects for
Don Holert, owner

Address of Proposal: 6026 California Avenue Southwest

SUMMARY OF PROPOSED ACTION

Master Use Permit to expand an existing commercial structure and construct a four-unit apartment building. The existing single family residence and garage are to be removed under separate permit.

The following approval is required:

Administrative Conditional Use – To allow the expansion of a nonresidential structure and construction of a single-purpose residential structure in a Neighborhood Commercial 2-30' (NC-2 30) zone. Residential use in a single-purpose residential structure is permitted as an Administrative Conditional Use provided it satisfies the requirements of SMC 23.47.006.A and B.4.

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction

BACKGROUND DATA

Site Location and Description

The subject property is located on the east side of California Avenue Southwest, between Southwest Raymond Street and Southwest Graham Street in West Seattle. The site is zoned Neighborhood

Commercial 2 with a forty (40) foot height limit (NC 2-40) and is currently developed with an existing commercial structure, a single family residence and a detached garage. Property to the north and south of the site, on the same block, and across the street are also zoned NC 2-40. Property across the alley to the east is zoned Single Family 5000 (SF5000). Properties along California Avenue Southwest are developed with apartment buildings, mixed used structures with commercial uses at street level and apartments located above, and an occasional single family residence. Properties across the alley in the SF 5000 are developed primarily with older single family residences.

Proposal Description

The applicant is seeking approval to allow an 1,100 square foot expansion of the existing commercial building which fronts on California Avenue Southwest and a new four unit apartment building in the rear. The existing single family residence and garage will be removed under a separate permit. Surface parking for five vehicles will be provided and will be accessed from the alley. The first floor of the existing commercial building does not meet current development standards for mixed-use structures (SMC 23.47.004 and 008), therefore residential use is only allowable as an administrative conditional use (ACU) under the same criteria as if a single-purpose residential structure was proposed.

Public Comments

The public comment period for this proposal ended September 8, 2004. No comment letters were received.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USES

1. *SMC 23.47.006.B.4. Single-purpose residential structures may be permitted outright, permitted as an administrative conditional use, or prohibited as provided by Section 23.47.004.E. In order to conserve the limited amount of commercially zoned land for commercial uses, single-purpose residential structures shall generally not be allowed in commercial zones. Where single-purpose residential structures may be permitted as an administrative conditional use, such a permit may be granted only when the following circumstances exist:*

- a) Due to location or parcel size, the proposed site is not suited for commercial development; or*
- b) There is substantial excess supply of land available for commercial use near the proposed site evidenced by such conditions as a lack of commercial activity in existing commercial structures for a sustained period, commercial structures in disrepair and vacant or underused commercially zoned land; provided that single-purpose residential development shall not interrupt an established commercial street*

front. As used in this subsection, an “established commercial street front” may be intersected by streets or alleys, and some lots with no current commercial use.

2. SMC 23.47.006 A. All conditional uses shall be subject to the procedures described in Chapter 23.76 and shall meet the following criteria:

- 1) *The use shall not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.*
- 2) *In authorizing a conditional use, adverse impacts may be mitigated by imposing any conditions needed to protect other properties in the zone or vicinity and to protect the public interest. The Director shall deny or recommend denial of a conditional use if it is determined that adverse impacts cannot be mitigated satisfactorily.*

1. SMC 23.47.006.B.4.

In order to conserve the limited supply of commercially zoned land for commercial uses, single-purpose residential uses are generally not allowed in commercial zones. However, single-purpose residential structures may be permitted by Administrative Conditional Use pursuant to 23.47.004.E if either of the conditions described in SMC 23.47.006.B.4 a) or b) exist.

The first floor of the existing commercial building does not meet current development standards for mixed-use structures (SMC 23.47.004 and 008), therefore it is treated as if it were a single-purpose residential structure even though both residential and commercial uses exist and are located in separate structures. The Land Use Code does not make allowances for existing commercial structures that don't comply with mixed use development standards.

This site is suitable for commercial development and the existing structure is a commercial use which will be expanded at street level. The new addition will conform to the development standards for mixed use development. The applicant is proposing commercial uses at street level

4b. There is substantial excess supply of land available for commercial use near the proposed site evidenced by such conditions as a lack of commercial activity in existing commercial structures for a sustained period, commercial structures in disrepair and vacant or underused commercially zoned land; provided that single-purpose residential development shall not interrupt an established commercial street front. As used in this subsection, an “established commercial street front” may be intersected by streets or alleys, and some lots with no current commercial use.

According to the information submitted by the applicant, this block of California Avenue Southwest is developed with a mixture of small, older commercial structures in fair to poor condition. In the same block is a mixture of apartments, single family residences and some mixed use structures. Immediately across California Avenue from the site are two structures which have been vacant for over a year and

have been used off and on vacant for most of the last five years. The commercial area of a structure located at 6040 California Avenue Southwest, which was built in 1991, has never been occupied. There are also two other street front commercial spaces on this same block which have been vacant for some time.

At least two lots on this block are in major disrepair and would need major work to renovate them if not torn down. A large percentage of the block is composed of older structures which could be renovated.

This entire block of California Avenue Southwest west is zoned Neighborhood Commercial 2. There are a number of vacant commercial tenant spaces along this block as well as adjacent blocks.

There is no established and consistent commercial street front along this block or nearby adjacent blocks. The proposed 4-unit apartment building is to be built in the back of the commercial structure and the proposed addition. The apartment building will not interrupt any existing or new street front character. The addition to the existing commercial building at street level will help to establish a new street front character.

2. *SMC 23.47.006 A. All conditional uses shall be subject to the procedures described in Chapter 23.76 and shall meet the following criteria:*

- 1) The use shall not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.*
- 2) In authorizing a conditional use, adverse impacts may be mitigated by imposing any conditions needed to protect other properties in the zone or vicinity and to protect the public interest. The Director shall deny or recommend denial of a conditional use if it is determined that adverse impacts cannot be mitigated satisfactorily.*

1) The use shall not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

This Administrative Conditional Use application is required only because the existing floor to floor height of the existing commercial structure does not meet development standards for mixed use structures, therefore this structure is considered a single purpose residential structure for purposes of determining if residential use can be allowed. The 4-unit apartment building would be permitted outright if the floor to floor height of the commercial building conformed to code. The existing uses on the site are retail (West Seattle Cellars) and residential. The proposed uses are the same but with an increase of three residential units and a small increase in commercial street frontage. Therefore the proposed uses should not be materially detrimental to the public welfare of injurious to property in the zone or vicinity.

2) In authorizing a conditional use, adverse impacts may be mitigated by imposing any conditions needed to protect other properties in the zone or vicinity and to protect the public

interest. The Director shall deny or recommend denial of a conditional use if it is determined that adverse impacts cannot be mitigated satisfactorily.

Based on the project description and the discussion of likely impacts above, no conditions are warranted.

DECISION – ADMINISTRATIVE CONDITIONAL USE

The proposed Administrative Conditional Use to allow the reconstruction of the fire damaged portion of the structure and the addition of a new residential unit to the structure is **GRANTED**.

Signature: _____ (signature on file) Date: March 3, 2005
Darlene Edwards, Land Use Planner

DE:bg

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